

1
2 UNITED STATES DISTRICT COURT

3 DISTRICT OF NEVADA

4 FRED HERNANDEZ,

5 Petitioner,

6 v.

7 NEVADA SOUTHERN DETENTION
CENTER,8 Respondents.
9

Case No.: 2:25-cv-00060-APG-DJA

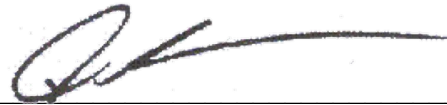
**Order Denying Application
to Proceed *in Forma Pauperis* on Appeal**

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11 This action was initiated, *pro se*, by Fred Hernandez, on January 10, 2025, as a petition
12 for a writ of habeas corpus under 28 U.S.C. §2241. In an order entered on January 15, 2025
13 (ECF No. 4), I summarily dismissed the action because I am without jurisdiction to entertain a
14 challenge to a civil contempt order of another judge of this Court. On January 27, 2025,
15 Hernandez filed a notice of appeal (ECF No. 6), and an application to proceed *in forma pauperis*
16 on appeal (ECF No. 8).

17 I find that Hernandez's appeal is frivolous and not taken in "good faith," and I therefore
18 deny his application to proceed *in forma pauperis* on appeal. *See* 28 U.S.C. § 1915(a)(3);
19 *Gardner v. Pogue*, 558 F.2d 548, 551 (9th Cir. 1977) ("good faith" standard § 1915(a)(3)
20 satisfied if the petitioner seeks appellate review of an issue that is not frivolous); *Neitzke v.*
21 *Williams*, 490 U.S. 319, 325 (1989) (For purposes of § 1915, an appeal is frivolous if it lacks any
22 arguable basis in law or fact.). Hernandez may renew his application to proceed *in forma*
23 *pauperis* in the Court of Appeals. *See* Fed. R. App. P. 24(a).

1 **I THEREFORE** certify, under 28 U.S.C. § 1915(a)(3), that Petitioner's appeal is not
2 taken in good faith, and I **ORDER** that Petitioner's Application to Proceed Without Prepayment
3 of Fees (**ECF No. 8**) is **DENIED**.

4 Dated: January 28, 2025



5 ANDREW P. GORDON
6 CHIEF UNITED STATES DISTRICT JUDGE